HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH: Hon'ble Shri S.R. Nayak, CJ

WRIT PETITION No. 2772 OF 1999

PETITIONER Tarachand Agrawal, son of Hemraj Agrawal, aged about 54 years, carrying on business of manufacturing Char Coal in the name and style of Agarwal Coal Depot, resident of Ashwani Nagar, Raipur (M.P.)

Versus

RESPONDENTS

1. The State of Madhya Pradesh Through Principal Secretary to the Govt. of Madhya Pradesh, Department of Forest and Environment, Vallabh Bhawan, Bhopal (M.P.)
2. The Conservator of Forests, Raipur Division, Jail Road, Jaipur (M.P.)

Present:

Mr. B.P. Sharma, learned counsel for the petitioner.

Mr. Sunil Otwani, learned Panel Lawyer, for the State.

ORAL ORDER
(Passed on 8th of December 2005)

The Conservator of Forest, Raipur by an order dated 11.4.88 granted permission to the petitioner to manufacture coal from firewood at leasehold site in village Kandur near River Kharun in Raipur District. When the petitioner in pursuance of the above grant, manufacturing coal from firewood, the Conservator of Forest vide his impugned memo dated 3.5.1999, marked as Annexure-P/6, cancelled the permission granted to the petitioner on 11.4.88. The said action is assailed in this writ petition amongst other grounds, on the ground that the action was not preceded

by any notice to the petitioner thereby the petitioner was totally denied of opportunity to have his say in the matter. The State action should conform to and be informed by the postulates of Article 14 of the Constitution of India viz. non-arbitrariness, fairness and reasonableness. Therefore, the impugned action of the Conservator of the Forest, Raipur is liable to be condemned as arbitrary as well as violative of principles of natural justice. On that short ground, the impugned order cannot be sustained. The writ petition is, therefore, allowed. The impugned order is quashed. However, it is made clear that this order shall not come in the way of the Conservator of Forest from taking appropriate steps against the petitioner, if there is any warrant and good ground, in accordance with law and in strict conformity with the principles of natural justice.

Sd/-
Chief Justice